

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 208 be amended to read as follows:

- 1 Page 1, line 2, after "3." insert "(a)".
- 2 Page 2, line 2, delete "the" and insert "a final order of the office of
- 3 environmental adjudication that interprets:
- 4 (A) a rule of the board; or
- 5 (B) a statute under which a rule of the board is
- 6 authorized."
- 7 Page 2, delete lines 3 through 4.
- 8 Page 2, line 35, delete "IC 13-14-9-4(6):" and insert "IC 13-14-9:".
- 9 Page 2, line 36, after "shall" insert "give written notice to the
- 10 legislative services agency of the proposed date of preliminary
- 11 adoption of the proposed rule not less than sixty-six (66) days
- 12 before that date; and".
- 13 Page 2, delete lines 37 through 38.
- 14 Page 2, line 40, delete "by the time referred to" and insert "not later
- 15 than twenty-one (21) days before the proposed date of preliminary
- 16 adoption of the proposed rule."
- 17 Page 2, delete line 41.
- 18 Page 3, line 13, delete "thirty (30)" and insert "forty-five (45)".
- 19 Page 3, line 14, delete "publish notice in the Indiana Register of:"
- 20 and insert "make available to the public, including posting on the
- 21 department's website:".
- 22 Page 3, line 18, delete "including:" and insert "including, if
- 23 applicable:".
- 24 Page 3, line 32, delete "summary response to" and insert "copy of
- 25 all comments".
- 26 Page 3, line 33, delete "each comment".
- 27 Page 4, delete lines 33 through 34, begin a new line double block
- 28 indented and insert:
- 29 "(B) include:
- 30 (i) a statement indicating whether each alternative listed
- 31 under clause (A) is imposed under federal law;

- (ii) a statement explaining how each alternative listed under clause (A) that is not imposed under federal law differs from federal law; and
- (iii) any information known to the department about the potential fiscal impact of each alternative under clause (A) not imposed under federal law; and".

Page 5, delete lines 4 through 28.

Page 6, delete lines 2 through 7, begin a new line block indented and insert:

"(5) Identify each element of the proposed rule that imposes a restriction or requirement on persons to whom the proposed rule applies that is not imposed under federal law.

(6) With respect to each element identified under subdivision (5), identify:

(A) the environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement to protect human health and the environment;

(B) examples in which federal law is inadequate to provide the protection referred to in clause (A); and

(C) the:

(i) estimated fiscal impact; and

(ii) expected benefits;

based on the extent to which the proposed rule exceeds the requirements of federal law.

(7) For any element of the proposed rule that imposes a restriction or requirement that is not imposed under federal law, describe the availability for public inspection of all materials relied upon by the department in the development of the proposed rule, including, if applicable:

(A) health criteria;

(B) analytical methods;

(C) treatment technology;

(D) economic impact data;

(E) environmental assessment data;

(F) analyses of methods to effectively implement the proposed rule; and

(G) other background data.

SECTION 6. IC 13-14-9-4.2 IS ADDED AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.2. Not less than fourteen (14) days before the date of preliminary adoption of a proposed rule by a board, the department shall make available to the board the fiscal analysis prepared by the legislative services agency under IC 4-22-2-28(c).**".

Page 7, line 19, delete "IC 13-14-9-3(7) through IC 13-14-9-3(9)" and insert "**IC 13-14-9-4(5) through IC 13-14-9-4(7)**".

Page 8, line 11, delete "subsection" and insert "**subsections**".

- 1 Renumber all SECTIONS consecutively.
 (Reference is to SB 208 as printed February 5, 2003.)

Senator GARD